

REMARKS

This is in response to the final Office Action of September 10, 2010. Claims 1-3, 5-27, 29 and 30 are pending. Claims 1, 15, 16, 18, and 19 are currently amended. Claims 11, 17, 21, 22, 25-27, 29, and 30 are withdrawn from consideration. Reconsideration of the application as amended is respectfully requested.

The Office Action

Claims 1, 16, 18, 19, 20, 23, and 24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, 6-9, 12, 15, 18-20, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over one of Wright (U.S. Patent No. 4,744,278) in view of Funakubo (U.S. Patent No. 3,800,633).

Claims 1-3, 6-9, 13-16, 18-20, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Raetz (U.S. Pat. No. 3,547,167) in view of Funakubo (U.S. Pat. No. 3,800,633), or in the alternative, over Raetz in view of Funakubo and Wright.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Wright in view of Funakubo or the combination of Raetz in view of Funakubo as applied to claim 1, and further in view of any one of Ackley (U.S. Pat. No. 2,725,083), Oehrli (U.S. Patent No. 3,144,059), Ehlen (U.S. Pat. No. 3,308,859).

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wright in view of Funakubo or the combination of Raetz in view of Funakubo as applied to claim 1, and further in view of any one of Dawson (U.S. Pat. No. 3,023,490) or Gaddis (U.S. Pat. No. 4,750,396).

Indefiniteness Rejection

Claims 1, 15, 16, 18, 19, 20, 23, and 24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that the proposed amendments herein are provided to place the claims in better condition for appeal and do not bring about the need to perform any additional search by the Examiner. Accordingly, the proposed amendments should be entered after-final.

The Examiner alleges that the recitation “at each end” is vague as to whether it refers to the base member or the associated connecting link. However, claims 1, 15, 19, and similarly claim 18, recite: “a base member, having a lead end and a read end, pivotally connected to an associated cutting link at each end forming said saw chain.” Accordingly, the only “ends” recited in the claim are the lead end and the rear end. Applicant submits that “at each end” necessarily includes any “end” that has been introduced earlier in the claim, which are only those associated with the base member. The connecting link is not described as having any “ends” in claims 1, 15, 18, and 19, and therefore it is improper for the Examiner to read limitations into the claim that are not present.

The Examiner further purports that the limitations “relative to the direction of intended chain travel” and “relative to a direction opposite of intended chain travel” renders the claim vague and indefinite since the structure of the link is being positively defined in terms of the chain and an intended use thereof, which is not set forth as part of the claimed invention. However, the claims, as presently amended, are directed to “[a] quick change cutting link for a saw chain for cutting wood” that includes “a base member, having a lead end and a rear end, pivotally connected to an associated connecting link at each end forming said saw chain.” (emphasis added). Therefore, the saw chain is clearly set forth as part of the claimed invention and it is entirely proper to define the link in terms of the chain. Applicant asserts that it is common knowledge that a saw chain travels in one direction around a guide bar. Therefore, the recitation of a lead end and rear end orient the cutting link members and the chain relative to chain travel. Clearly, the leading end is the end of the base member that leads the chain around the guide bar. The Examiner argues that the recitation of the saw chain provides no clear implication of structure; however, Applicant submits that connecting the base member to the connecting link and forming a saw chain unquestionably adds structure to the claim and to the base member in particular. That the Examiner holds this concept to be vague is without merit.

With specific reference to claim 16, the Examiner recites that the recitation “a chain” is vague as to whether it refers to that previously set forth in claim 15. Applicant submits that claim 16 has been amended to recite “the chain” rather than “a chain” clarifying to which chain claim 16 refers. Similarly, the Examiner asserts that the limitation “an associated cutting member” in claim 18 is vague as to whether it refers to that previously set forth or to another such cutting

member. Claim 18 has been amended to recite “the associated cutting member” to clarify to which cutting member claim 18 refers.

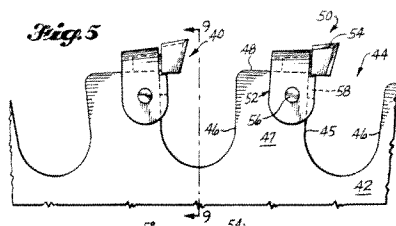
With further reference to claim 18, the Examiner recites that the recitation “comprising no more than 0.5° to the mating taper of said associated cutting member”. Applicant submits that claim 18 has been amended to clarify that each taper is configured to have a close tolerance comprising no more than 0.5° with the mating taper of said associated cutting member. Accordingly, the tolerance is strictly a feature of the base member taper and is not being defined in terms of the cutting member. The taper’s ability to achieve a close tolerance with the cutting member is a property of the base member and is being defined as such. The reference to the cutting member simply puts this feature into context.

Obviousness Rejections

Claims 1-3, 6-9, 12, 15, 18-20, 23, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wright in view of Funakubo. Applicants respectfully traverse for at least the following reason. Wright and Funakubo do not, individually or in combination, teach or suggest the subject limitations as presently claimed.

Applicant maintains that Wright, being directed to a replaceable cutter element for a circular saw including a clevis and an insertable tooth, does not teach or slightly suggest the presently claimed quick change cutting link, with a lead end and a rear end, pivotally connected to a connecting link at each end, forming a saw chain. In the Examiner’s remarks, it is provided that since none of the claims are directed to a saw chain and the recitations directed to the saw chain do not clearly imply or assign any specific structural element/configuration to the link, the recitations directed to the saw chain must be considered to be a recitation of intended use of the cutting link and cannot serve to distinguish the claimed invention. Applicant respectfully submits that the recitations of the present claims are not directed to a saw chain, but rather to a quick change cutting link that is configured such that it has two ends that are points of connection with a connecting link to form a saw chain. This is distinct from Wright, which as illustrated below teaches that a clevis 52 is attached to the leading edge of a shoulder 47 of the circular saw plate 42 by a pin 56. Each clevis link is separately attached to a shoulder and does not connect to any other links. Accordingly, the clevis in Wright clearly does not include two ends that each connect to a connecting link, forming a saw chain. The clevis is simply not configured to attach

to a connecting link at each end forming a saw chain, particularly since a connecting link would serve no functional purpose or have any feasible connection point in the configuration of Wright.



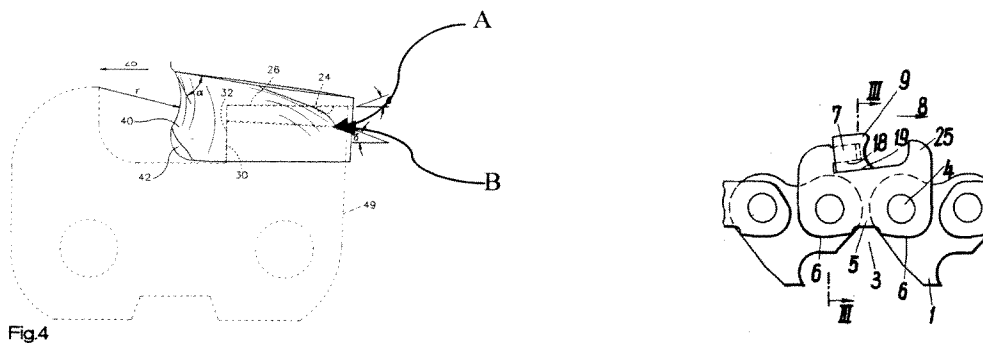
The Examiner further submits that the claims do not clearly require more than one connection point on the base member. Applicant respectfully submits that connecting a link with two ends to connecting links at each end necessarily requires that there be connection points at each end. Without two connection points, the connecting links would not be physically capable of connecting with each end of the base member. Moreover, with respect to the Examiner's comment regarding Applicant's statement that "there is no saw chain comprising links that would call for such construction," the Examiner appears to have taken the statement out of context. This statement identified the lack of suggestion in Wright to be modified to connect to connecting links as presently claimed, since there is no saw chain (in Wright), and therefore no links to connect to create such a chain. Applicant did not intend this statement to include every saw chain ever in existence, but rather only that of Wright, or more precisely the lack of any saw chain in Wright.

The Examiner submits that although Wright lacks the specific material designations for each of the base member and cutter member, the use of such material is old and well known in the art, as illustrated in Funakubo. Applicant submits, however, that even assuming Funakubo discloses the use of such materials in cutting members and even assuming the propriety of combining Funakubo with Wright, such a combination still does not disclose or suggest the claimed invention. Moreover, Funakubo fails to make up for the aforementioned deficiencies of Wright. Thus, withdrawal of the rejection is respectfully requested.

Additionally, claims 1-3, 6-9, 13-16, 18-20, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Raetz in view of Funakubo, or in the alternative over Raetz in view of Funakubo and Wright. Particularly, the Examiner submits that Raetz discloses that the studs may taper towards its free end in a conical manner, and thus teaches the necessary tapers. Applicant acknowledges Raetz discloses a tapering configuration; however, Raetz fails to

identify any range of degree of tapering by the stud. Therefore, although Raetz specifically recites that the two edges 18 and 19 taper toward each other at a slight angle, such as from 3° to 4°, there is no teaching or slight suggestion that the tapers are such that create a close tolerance effective to cause self-locking engagement, particularly 1° or 0.5° tolerance, as is presently claimed.

Additionally, Applicant asserts that although Raetz discloses the use of tapers, Raetz teaches differently placed tapers than are presently claimed. The subject claims recite a base member having a seat surface having a first taper 26 and a lower surface having a second taper (A-See Below, lower left). Further, a cutting member is disclosed as having an upper surface with a third taper 24 and an under surface having a fourth taper (B).



In contrast, as state above, Raetz (upper right) discloses that portions 18 and 19 are tapered and the stub 7 may also comprise a taper. However, Raetz fails to teach or slightly suggest that the portion of the cutting member associated with the lower edge of the stub comprises any such taper, nor is a taper distinguishable from the figure. The precise tapering disclosed in the present claims allows for the close tolerance and self-locking engagement. Raetz does not teach such features. As such, Applicant maintains that the subject claims patentably distinguish over Raetz.

Although Raetz lacks the specific material designations, the Examiner argues that use of such material on cutting teeth is old and well known in the art, as illustrated by Funakubo. Applicant submits, however, that neither Funakubo nor Wright make up for the aforementioned deficiencies set forth above. Accordingly, Raetz in view of Funakubo, and/or Raetz in view of Funakubo and Wright, nonetheless fail to teach or suggest the subject invention as presently claimed. Thus, withdrawal of the rejection is respectfully requested.

Applicant submits that for at least the aforementioned reasons, the subject claims distinguish patentably over the references of record. Accordingly, withdrawal of the rejections of independent claims 1, 15, 18, and 19 (along with claims 2-3, 5-14, 16-17, 20-27, 29 and 30 that respectively depend therefrom) is respectfully requested.

CONCLUSION

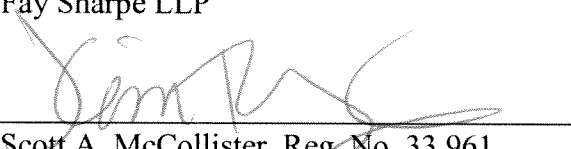
For the reasons detailed above, it is respectfully submitted all claims remaining in the application are now in condition for allowance.

Respectfully submitted,

Fay Sharpe LLP

December 10, 2010

Date



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